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6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 * * *

10 UNITED STATES OF AMERICA,)	Case No.: 2:18-cr-110-RFB-GWF
11 Plaintiff,)	
12 vs.)	STIPULATION TO CONTINUE
13 SCOTT STERN,)	SENTENCING HEARING
14 Defendant.)	(Second Request)
15)	

16 IT IS HEREBY STIPULATED AND AGREED, by and between Christina D. Silva,
17 Assistant United States Attorney, attorney for the Plaintiff, United States of America, and George
18 P. Kelesis, Esq. of the law firm of Cook & Kelesis, Ltd., attorney for the Defendant, Scott Stern, that
19 the sentencing date in the above-captioned matter currently scheduled for September 7, 2018 at 3:00
20 PM, be vacated and continued for a sixty day period, to the Court's first available date after
21 November 7, 2018.

22 This stipulation is entered for the following reasons:

- 23 1. An issue has arisen with respect to the application of forfeited funds to the restitution
24 that is owed;
- 25 2. The parties are attempting to resolve the issue, but expect that it will take 30-45 days
26 to do so;
- 27 3. In addition, counsel for Defendant will be traveling out of the jurisdiction during the
28 latter part of October on other matters;

1 4. If the parties are unable to satisfactorily resolve the restitution issue, counsel for the
2 Defendant will require additional time to brief the matter for the court's consideration at the time of
3 sentencing.

4 5. Defendant is not in custody at this time, and does not object to the continuance in
5 this matter.

6 6. That the parties agree to the continuance sought herein.

7 7. Denial of this request for continuance could result in a miscarriage of justice.

8 8. The additional time requested by this Stipulation is excludable in computing the time
9 within which the sentencing hearing must commence pursuant to the Speedy Trial Act, Title 18,
10 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States
11 Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

12 9. This second request for continuance of the sentencing date is made in good faith and
13 not for the purposes of delay.

14 DATED this 28th day of August, 2018.

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16 COOK & KELESIS, LTD.

UNITED STATES OF AMERICA

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19 By /s/ George P. Kelesis
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By /s/ Cristina D. Silva
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UNITED STATES OF AMERICA,
Plaintiff,
vs.
SCOTT STERN,
Defendant.

Case No.: 2:18-cr-110-RFB-GWF

Based on the Stipulation to Continue Sentencing, and good cause appearing therefore, the Court finds that:

1. An issue has arisen with respect to the application of forfeited funds to the restitution that is owed;

2. The parties are attempting to resolve the issue, but expect that it will take 30-45 days to do so;

3. In addition, counsel for Defendant will be traveling out of the jurisdiction during the latter part of October on other matters;

4. If the parties are unable to satisfactorily resolve the restitution issue, counsel for the Defendant will require additional time to brief the matter for the court's consideration at the time of sentencing.

5. Defendant is not in custody at this time, and does not object to the continuance in this matter.

6. That the parties agree to the continuance sought herein.

7. Denial of this request for continuance could result in a miscarriage of justice.

8. This is the second request for continuance of the sentencing date.

For all of the above stated reasons, the ends of justice would be best served by a continuance of the sentencing herein requested.

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CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the sentencing presently set for September 7, 2018 at 3:00 PM, is hereby vacated, and continued to the 15th day of November, 2018, at 3:30, a.m./p.m. in Courtroom No. 7C.

DATED this 29th day of August, 2018.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE